

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 EA-07 IO-10 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

AF-06 ARA-06 NEA-10 OIC-02 /134 W

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P R 070830Z JAN 76

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 7440

INFO AMEMBASSY OTTAWA

AMEMBASSY TOKYO

USMISSIONEC BRUSSELS

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E.O. 11652: NA

TAGS: ETRD GATT

SUBJ: ARTICLE XXVIII:5 RESERVATIONS

REF: STATE 907

1. MISSION HAS CONSULTED WITH CANADIAN, JAPANESE AND EC
REPS PER INSTRUCTIONS REFTEL ON THEIR WILLINGNESS WITH-
DRAW ARTICLE XXVIII:5 RESERVATIONS AND REASONS FOR
INVOKING ARTICLE. EC EXPLAINED THAT ITS ACTION WAS PURELY
DEFENSIVE AND IN RESPONSE TO THOSE TAKEN BY OTHERS. EC
WILLING TO WITHDRAW ITS RESERVATION IF OTHERS
ARE ALSO.

2. JAPANESE MISSION STATED THAT TOKYO'S DECISION TO INVOKE
ARTICLE XXVIII:5 WAS LONGSTANDING ALTHOUGH JAPANESE GOVERNMENT
HAD NO PARTICULAR PRODUCTS IN MIND AND NO PRESENT
INTENTION TO MAKE USE OF RESERVATION. RESERVATION
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PROBABLY IS COMPROMISE SOLUTION TO PRESSURE FROM SOME

DOMESTIC JAPANESE MINISTRIES AND EFFORT LET EACH MINISTRY
FEEL IT GOT WHAT IT WANTED. JAPANESE REP DOUBTS THAT HIS
GOVERNMENT WILLING WITHDRAW RESERVATION OR GIVE PUBLIC
EXPLANATION FOR ACTION.

3. CANADIANS REP STRESSED THAT THEIR NOTIFICATION LIMITED TO
CERTAIN PRODUCTS. NOTIFICATION STATES THAT CANADA
RESERVES RIGHT TO MODIFY TARIFF ON THOSE PRODUCTS
THAT WERE OR ARE THE SUBJECT OF STUDIES BY THE CANADIAN
TARIFF BOARD. THESE PRODUCTS ARE: PHOTOGRAPHIC EQUIPMENT,
PLEASURE CRAFT, GLASS FIBER AND FILAMENT ELEMENTS, FRESH
AND PROCESSED FRUITS AND VEGETABLES, YEAST AND VEGETABLE
OIL PRODUCTS. BOARD'S REPORT ON PHOTOGRAPHIC EQUIPMENT
HAS BEEN SUBMITTED TO GOVERNMENT AND OTHER REPORTS ARE TO
BE SUBMITTED SOON. REP STATES CANADA HAD TO MAKE
RESERVATION IN LIGHT OF POSSIBLE TARIFF BOARD RECOMMENDATIONS AND
WOULD NOT BE ABLE TO WITHDRAW. CANADIAN
REP NOTED THAT ALTHOUGH THEIR RESERVATION IS NOT TECHNICAL,
IS IT LIMITED.

4. IN VIEW OF ABOVE SITUATION WE SEE LITTLE POSSIBILITY OF
GETTING CANADA OR JAPAN TO WITHDRAW THEIR RESERVATION.
IF WASHINGTON BELIEVES STRONGLY THAT FURTHER EFFORTS SHOULD
BE MADE, APPROACHES WILL HAVE TO BE MADE IN TOKYO AND OTTAWA.

5. EC (LUYTEN) WHILE REGRETTING DEVELOPMENT DID NOT
CONSIDER MATTER TOO SERIOUS, SINCE COUNTRIES WOULD HAVE
TO "PAY DEARLY" IF THEY ACTUALLY ATTEMPTED RENEGOTIATIONS.
JAPANESE ALSO NOTED THAT RENEGOTIATIONS EXPENSIVE AND NOT
LIGHTLY ENTERED INTO. GATT SECRETARIAT PROCESSING
JAPANESE, EC, CANADIAN AND US NOTIFICATIONS
BUT DOES NOT EXPECT FIRST ONE TO BE READY BEFORE JAN 8.
PLEASE ADVISE ASAP IF WASHINGTON WANTS TO MAKE FURTHER
EFFORTS AND WANTS SECRETARIAT TO HOLD UP RELEASE OF
NOTIFICATIONS. DALE

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